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ABSTRACT

Three constitutional amendments proposed for the June and November, 1980, ballots in California are discussed in this paper. The amendments, all of which would channel public funds to private schools, are: (1) the "Family Choice Initiative," also known as the Sugarman-Coons proposal, which would permit parents to use public funds to send their children to public or private schools: (2) the "Performance Voucher Plan," or the Hickey-Canfield initiative, which would abolish the public school system and give an annual sum of money to parents for each child's education: and (3) the "Educational Tax Credit Initiative," which would give a State income tax credit to taxpayers who pay public or private educational expenses. Positions in support of and in opposition to the three proposals are reviewed, with consideration given to the effects that each would have on poor, minority, and handicapped students. Also discussed are administrative difficulties that could be encountered in implementing the new funding procedures. (GC)

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THE CALIFORNIA FAMILY CHOICE INITIATIVES: IMPLICATIONS FOR URBAN EDUCATION

Two University of California law professors who designed a school voucher plan that would drastically alter the state's public education system are cautiously optimistic that their proposal will appear on next June's ballot.

Proponents of two other school reform plans have dropped their efforts to make the June ballot and instead are aiming for the November 1980 ballot, with renewed petition drives to begin early next year.

All three proposed constitutional amendments would channel public funds to private schools--a radical break with American tradition. The plans are:

-- "The Family Choice Initiative," dubbed the Sugarman-Coons proposal for co-authors Steve Sugarman and John Coons. This plan would permit parents to use public funds to send children to public or private schools.

-- The "Performance Voucher Plan," known as the Hickey-Canfield initiative, the brainchild of co-authors Jack Hickey, a San Mateo inventor, and Roger Canfield, a management consultant. The proposal would abolish the public schools system and in essence give $2,000 a year to each child to be educated wherever the parents wanted. If the child flunked a grade, the state would not pay.

-- "The Educational Tax Credit Initiative," which would give a state income tax credit of up to $1,200 for taxpayers who pay public or private educational expenses.

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Although the three plans have basic differences, supporters sound a common theme: The proposals would give parents greater control over how and

where their children are educated. Proponents claim the Sugarman-Coons and tax credit measures actually would strengthen public education.

Public education, supporters of the three proposals argue, currently holds the seeds of its own destruction. California parents and taxpayers are complaining increasingly over what they perceive as a deteriorating public education system. They cite declining test scores, students graduating without mastery of basic skills, more frequent teacher strikes and forced busing of school children to achieve racial integration.

Declares Coons: "Public education will destruct unless it is given a method to change." Parents are tired of the stranglehold that professional educators have over the system of learning, he says.

But opponents argue that vouchers and tax credits will doom public schools, leaving an impoverished system for poor, minority and handicapped students. The public schools, they argue, already offer a variety of educational options for students and avenues for parent participation.

And the plans, they say, would undermine the primary institution--public schools--that builds the cohesiveness needed to mold a polyglot populace into a democratic society. The inevitable result would be segregation by race, income, religion and ideology, they contend.

"But the question," Coons said, "is should ordinary families be allowed to make educational choices for themselves? If the answer is yes, the question is how."

Under the Sugarman-Coons proposal, parents would send their children to the public or private school of their choice, using public funds. Public and private schools not wishing to participate would remain as they are . In addition, two other types of schools could be started: "independent"

public schools and "family choice" schools.

Independent public schools would be created by a local school board or public college or university, either on their own initiative or through petition by parents. Private schools that opted or were created to accept vouchers would become family choice schools. Only family choice schools could teach religion.

Each school would be organized as an individual, nonprofit corporation with its own governing borad, which could be all teachers, parents, community members, administrators or any combination of these. Thus, if the teachers wished to form a union for collective bargaining purposes, it would be limited to an individual school.

The attractive aspect of these schools, Coons said, is that they would be freed from much of the regulation imposed by the state's education code. The initiative "would not eliminate minimum requirements--the 'basics'--but it would keep the Legislature from imposing any greater restrictions on curriculum, hiring and facilities of the new schools than are imposed on private schools today," he said. "In California, the regulations presently affecting the curriculum and buildings of private schools are much less restrictive than those applying to public schools and the regulations that concern hiring in private schools are even more flexible." (Teachers, for instance, do not need a teaching credential.)

Under the plan, Coons said:

- Beyond basic academic subjects, voucher schools would be free to determine instructional style and course content. The authors envision schools specializing in areas like the basics, fine arts, vocational arts or sciences.

- Every family would have the right to enroll its children in any of the new schools, although the siblings of students presently enrolled or children of those teaching in the schools would have priority. While single-sex schools would be permitted, schools could not refuse admission to any student. If applications exceeded capacity, a state-run lottery would determine who got in.
- Transportation would be provided "within reasonable limits of distance."
- Once enrolled, a child could not be dismissed "unless he were a serious behavior problem or unable to benefit academically from the school." For children properly dismissed, "an education would be guaranteed. New schools would be formed to serve just such children. Indeed, there would now be incentive to create schools serving every form of educational need."
- Financial support for traditional public schools would remain as it is today, except that they would be wholly state financed, eliminating use of property taxes.
- The new schools would generate income through vouchers, which would be worth 90 percent of the amount spent upon a similar child in a similar public school. "The Legislature is encouraged to make certificates differ in amount according to the needs of special groups of children--the handicapped, the bilingual, those choosing a vocational curriculum and so forth."
- The initiative would limit statewide public spending for schools to the present level, adjusted for inflation. This cap would last until 1986. "Since certificates for the new schools are

set at 90 percent of the cost of public schools, every shift from a public school would represent a saving for the state. Nor should this 10 percent reduction reduce the quality of education provided. Freed of the most oppressive aspects of the educational code, the new schools would be able to operate more efficiently."

- The state Department of Education would remain to administer the system.
- The key element in the plan, according to the authors, would be establishment by the Legislature of an information system for parents--"independent of any school or school authority"--about schools. This system would be for parents with "special information needs"--those who do not speak or read English well or are unsophisticated about education. Independent public information agencies would be formed and grants would be available to purchase private counseling services. "These services would be available from professionals independent of any school. Their self-interest would be to serve only the family."
- Each voucher school would be required to disclose information concerning curriculum, teaching methods, qualifications of its teachers and its use of resources. The information system would be the chief mechanism for monitoring the schools.

Should the Sugarman-Coons proposal reach the ballot and be approved by the voters, voucher system would be phased in over several years beginning in 1981.

San Franciscan Sandy Weiner, hired to direct the petition signing campaign, said signatures will be collected up to the Jan. 4 deadline. He

estimated some 500,000 signatures have been gathered, but said he will need 300,000 more in order to insure that the total of 553,790 signatures from registered voters needed to place the issue on the statewide ballot is met.

While the initiative generally outlines the features of the plan, the details of how to implement it are left to the Legislature. And opponents claim that is how an attractively simple idea becomes complex, costly and unmanageable as legislators wrestle with how the system would work and what controls are needed to prevent abuse and discrimination.

The bulk of the opposition comes from California's educational establishment--state schools chief Wilson Riles, state school board President Michael Kirst, statewide employee unions, school boards and administrators associations.

In addition, a national group known as Americans United for Separation of Church and State is fighting all three plans, contending disbursement of public funds to children attending religious schools violates the constitutional separation of church and state.

The state legislative counsel also issued an opinion saying that it appears the Sugarman-Coons plan would violate the U. S. Constitution because of the church-state question and possibly on the grounds of single-sex schools.

But Coons, confident his plan could pass a legal test, counters that the U. S. Supreme Court has never ruled on a system resembling his, where aid goes to families--not specific schools.

He pointed out that the initiative specifically states that no child can be forced to participate in a religious ceremony, although religious instruction can be provided. In addition, he said, "It's a general

system that includes all kinds of schools."

In any case, he said, the initiative contains a provision providing for the rest of the voucher system to remain intact if the section dealing with religious schools is ruled unconstitutional.

Opponents dig into America's history to advance a common argument against all three plans. Public education, they say, was developed 200 years ago as a cornerstone of American democracy to prepare young people for their role as self-governing citizens.

It was engineered to eliminate individual allegiances to families, kinfolk, churches, localities, neighborhoods or ethnic traditions. The great melting pot began in the public schools.

"The public schools, we must remember, were not designed for the private benefit of the student participant, but rather were developed and nutured to improve the overall good of society, which includes tax-paying community members, parents and students," Los Angeles Board of Education President Roberta Weintraub recently told a state Senate education subcommittee.

The Sugarman-Coons initiative, she testified, "would. . . trigger a fractionalization of our society because students and parents would only be exposed to those ideas which were fostered by their particular school."

Coons scoffs at such suggestions. He said today's schools are already segregated, with today's voucher to a better school being an expensive home.

Public education, he ways, "was and remains a profoundly elitist, exclusive and undemocratic structure of privilege paid for by taxation--one in which the rich get choice and deductions, and the poor get sent."

Aside from the philosophical debate, opponents argue that the highly complex proposal should be experimented with on a limited basis, rather

than being implemented quickly statewide.

Leading the way in punching holes in the Sugarman-Coons proposal is William J. Jefferds, superintendent of the Alum Rock Union Elementary School District in San Jose.

Jefferds is following Coons and Sugarman around the state, "bringing reality to idealism" by posing a host of questions that he says should be answered before any voucher plan is implemented.

Alum Rock tried a modified voucher experiment from 1972 to 1977, but no private schools were included. Drawing on that experience, Jefferds questions how the admissions process would work, how the finances would be divided, how the required transportation plan would be supervised, who would regulate the information system, how the dismissal process would work, who would regulate the collective bargaining process when each school has a separate union, and so forth.

The administrative process, Jefferds maintains, "has the potential for chaos. . .The initiative requires many new laws and procedures which will require extensive control and regulations."

Jefferds said it took a "moderately sized," 14,000-student district like Alum Rock three years to develop financial and transportation plans so the district could adequately keep track of children for busing and budgetary purposes.

But Coons contends there's nothing particularly challenging about those issues. The questions involved, he said, are all issues inherent in any educational system.

Opponents charge that vouchers would inevitably lead to segregation of students by race, income, religion and curriculum. No matter how many controls are imposed, they argue, those with money will be able to circumvent

the system.

Vouchers also are being attacked as being far more costly than Coons and Sugarman estimate. Ruth B. Love, head of Oakland's public schools, predicts: "The astronomical cost of funding the massive new bureaucracy required to set up and monitor a voucher plan would have to be met by new state taxes and would ultimately drain funds from public schools and bankrupt the state treasury."

In addition, Los Angeles' Weintraub said that when some of the state's 450,000 private school students begin to receive vouchers, there inevitably would be less available for public school students because of the spending cap. "We find it ludicrous to propose that the support per child should be reduced at a time when schools are under attack for not doing enough for pupils," she said.

Weintraub also complained that the initiative "is highly unfair in not allowing public schools to compete on an even basis with other schools which are to receive voucher funding. It is ridiculous to propose that for a difference of 10 percent in funding per pupil, that the public schools must comply with thousands of regulations affecting curriculum, personnel and budgeting whereas the other two options proposed must only compete with a minute amount of regulations now applicable to private schools."

Jack Hickey, a Redwood City inventor, said he is fed up with "the anti-business indoctrination in today's schools." So he has devised a plan to abolish public schools and replace them with a private enterprise system.

And the National Taxpayers' Union, a lobbying group, is supporting a plan to give a state income tax credit of up to $1,200 for California taxpayers who pay public or private educational expenses.

Both hope to place their proposed constitutional initiatives on the November 1980 ballot.

Hickey's proposal would remove government from education. Compulsory attendance would be abolished. A "department of educational accountability" would be established to provide each student with a voucher redeemable for $2,000--a limit that will increase yearly with inflation.

A student would be eligible to receive the voucher at the end of the school year if he or she passed a standardized test covering material at that grade level. The department of educational accountability is charged with providing tests for each grade. The tests would be administered by an outside agency.

Parents could earn the $2,000 themselves by educating their children at home, providing the students pass the required tests at year's end.

Hickey said organizations willing to operate existing school facilities will receive encouragement from the state in the form of low cost loans and shared use of choice school sites. In return, these open-enrollment schools must accept voucher assignments as tuition in full. He believes the schools or banks would extend some form of credit to parents since payment would not be received until the end of the year.

If private schools participate, they may continue selective admissions, Hickey said. In addition, "learning can take place anywhere under the performance voucher plan: in libraries, homes or parks--using a teacher, home micro-computer, cable television or tapes."

Hickey maintains his plan will "reduce the public education budget by at least 20 percent or a minimum of $2 billion." The state attorney general, however, said the initiative's cost could not be estimated.

The radical proposal has generated little formal opposition from the educational establishment, with most educators believing the public would reject what they view as a bizarre notion to eliminate schools.

Ralph Flynn, executive director of the California Teachers Association, attacks the proposal on several fronts: There is "no universal standardized test that most reasonable men could agree upon." for measuring educational attainment. It discriminates in favor of parents who can advance the money needed to educate their children and it removes any parental responsibility to make sure their children receive an education.

The CTA is far more concerned with the educational tax credit proposal, which it believes will lead to a drain on the state treasury and, consequently, fewer dollars for public education.

"It is a certainty that all 500,000 nonpublic school students would qualify for $1,200 each, which would make the minimum income tax revenue loss $600 million the first year," according to a CTA report.

As currently written, the initiative would provide taxpayers with a state income tax credit up to $1,200 for their child's demonstrated educational expenses, explained William Burt, West Coast director of the group. The credit covers children in public or private schools, from kindergarten through age 21, including those in college.

The ceiling of $1,200 a student would be increased annually by 10 percent after 1981.

In addition, businesses or "any entity required to pay taxes" would be eligible for the same tax break if it contributed money to a school. "That would mean the opening up of a vast reservoir of voluntary money for private schools," Burt recently told a meeting of private school administrators.

That money could be used for sholarships for children whose families traditionally could not afford a private education, he pointed out.

Besides private school tuitions, parents with children in free public schools could claim expenses for such things as lab fees, field trips or extracurricular activities, Burt said. Such fees are increasing since the passage of Proposition 13, he pointed out.

And the taxpayers union maintains public school funding will increase. "(The) $1,200 is the maximum that any family may subtract from their tax payments per child in school, but this figure is less than what state and local governments spend per child in public school. Therefore, whenever a child is shifted from public to nonpublic schools, perhaps as much as $1,200 is denied the public schools, but the savings are larger--ranging from $1,500 to $2,500 in some urban school districts. Hence more money is left over for those students in public schools, at the same time that the taxpayers as a whole benefit."

But the CTA rebuts: "The Legislature and the state administration would inevitably rationalize that the lost revenue was an indirect investment in education and therefore reduce public school funding commensurately."

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